

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BROWSERKEY, LLC,  Plaintiff,  v.  WELLS FARGO BANK, N.A.,  Defendant.	Case No. 2:24-CV-00800-JRG-RSP (Lead Case)  <b>JURY TRIAL DEMANDED</b>
BROWSERKEY, LLC,  Plaintiff,  v.  BANK OF AMERICA CORPORATION, BANK OF AMERICA, NATIONAL ASSOCIATION, and MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED  Defendants.	Case No. 2:24-CV-00798-JRG-RSP (Member Case)  <b>JURY TRIAL DEMANDED</b>

**DECLARATION OF DUSTIN J. EDWARDS IN SUPPORT OF  
BANK OF AMERICA DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

I, Dustin J. Edwards, declare as follows:

1. I am a partner at the law firm of Winston & Strawn LLP and lead counsel of record for Defendants Bank of America Corporation ("BAC"), Bank of America, National Association ("BANA"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill") (collectively, "Bank of America Defendants") in the above-captioned action. I am over the age of eighteen years

old, and I have personal knowledge of each fact stated in this declaration. I submit this declaration in support of Bank of America Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

2. Exhibit A is a true and correct copy of a comparison between Plaintiff's original Complaint (Dkt. 1) and Plaintiff's Amended Complaint (Dkt. 34).

3. Exhibit B is a true and correct copy of the Applicant Arguments/Remarks Made in an Amendment, dated February 6, 2006, from the prosecution history of the asserted patent in the above-captioned action—U.S. Pat. No. 7,249,262 (the "'262 Patent")—with added highlights.

4. Exhibit C is a true and correct copy of the Originally Filed Application for the '262 Patent, dated May 6, 2002, with added highlights.

5. Exhibit D is a true and correct copy of a Notice of References Cited, dated October 19, 2012, from the prosecution history of U.S. Pat. App. No. 12/845,881 (the "'881 App."), with added highlights.

6. Exhibit E is a true and correct copy of a Notice of References Cited, dated October 5, 2012, from the prosecution history of U.S. Pat. App. No. 13/097,828 (the "'828 App."), with added highlights.

7. Exhibit F is a true and correct copy of a Non-Final Rejection, dated October 5, 2012, from the prosecution history of the '828 App.

8. Exhibit G is a true and correct copy of the Applicant Arguments/Remarks Made in an Amendment, dated November 27, 2012, from the prosecution history of the '828 App.

9. Exhibit H is a true and correct copy of an Information Disclosure Statement, dated November 21, 2013, from the prosecution history of U.S. Pat. No. 9,026,991 (the "'991 Patent"), with added highlights.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 5<sup>th</sup> day of February, 2025.

/s/ Dustin J. Edwards

Dustin J. Edwards